

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JAMES EARL COLLINS,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 2:07-CV-972-WCW
	)	
UNITED PARCEL SERVICE, INC.,	)	
	)	
Defendant.	)	
_____	)	

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held between counsel for the Parties on December 12, 2007 via telephone. The Parties now submit the following report of that meeting to the Court for consideration.

**1. The meeting was attended by:**

- a. Maricia D. Woodham, counsel for Plaintiff James Earl Collins.
- b. Jeremy D. Tucker, counsel for Defendant United Parcel Service, Inc.

**2. Pre-discovery disclosures.** The Parties will exchange by January 4, 2008 the information required by Federal Rule of Civil Procedure 26(a)(1).

**3. Discovery Plan:** The Parties jointly propose to the Court the following discovery plan:

a. Discovery will be needed on the following subjects: Plaintiff's claims that Defendant violated his rights under the federal Age Discrimination in Employment Act and the Alabama Age Discrimination in Employment Act, Plaintiff's alleged damages, and Defendant's defenses to Plaintiff's claims;

- b. Disclosure or discovery of electronically stored information should be handled by

the Parties first taking steps to secure/maintain any electronically stored data and then producing such data as may be warranted through the course of discovery;

c. The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows: The parties defer to the Court's guidance concerning such an order should the need arise over the course of this litigation;

d. All discovery shall be commenced in time to be completed by June 2, 2008;

e. Interrogatories, requests for production, and requests for admission, as well as responses thereto, shall be governed by the applicable Federal Rules of Civil Procedure;

f. Maximum of 7 depositions by Plaintiffs and 7 depositions by Defendants, unless otherwise agreed to by the parties;

g. Each deposition, including Parties and non-parties, is limited to a maximum of 7 hours, unless otherwise agreed to by the parties;

h. Reports from retained experts under Rule 26(a)(2) due:

i. from Plaintiff by March 3, 2008; and

ii. from Defendant by April 3, 2008

i. Supplementation of discovery responses under Rule 26(e) due within a reasonable time.

**4. Other Items:**

a. The parties do not request a conference with the Court before entry of the Scheduling Order.

b. The Parties request a pretrial conference on September 22, 2008.

c. Plaintiff should be allowed until February 29, 2008 to join additional parties and to amend the pleadings.

d. Defendant should be allowed until March 31, 2008 to join additional parties and

to amend the pleadings.

- e. All potentially dispositive motions should be filed by June 23, 2008;
- f. Settlement cannot be realistically evaluated prior to commencement of discovery;
- g. Final list of witnesses and exhibits under Rule 26(a)(3) should be due:
  - i. from Plaintiff: 30 days before trial; and
  - ii. from Defendant: 30 days before trial.
- h. Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3); and
- i. The case should be ready for trial by the Court's October 20, 2008 civil term, and is expected to take approximately 2-3 days.

Respectfully submitted this the 17<sup>th</sup> day of December 2007.

s/ Maricia D. Woodham  
Maricia D. Woodham  
*(electronically signed by Jeremy D. Tucker  
w/express permission of Maricia D.  
Woodham)*  
Sabel & Sabel, P.C.  
2800 Zelda Road  
Suite 100-5  
Montgomery, AL 36106  
[mwoodham@sabellaw.com](mailto:mwoodham@sabellaw.com)

Counsel for Plaintiff

s/ Jeremy D. Tucker  
Lisa H. Cassilly  
Georgia Bar No. 378850  
Jeremy D. Tucker (TUC037)  
ALSTON & BIRD LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Tel: 404-881-7000  
Fax: 404-881-7777  
[jeremy.tucker@alston.com](mailto:jeremy.tucker@alston.com)

William J. Baxley (BAX001)  
Donald R. James, Jr. (JAM016)  
BAXLEY, DILLARD, DAUPHIN  
McKNIGHT, & BARCLIFT  
2008 3rd Avenue South  
Birmingham, Alabama 35233  
Tel. No.: (205) 939-0995  
Fax No.: (205) 271-1108

Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JAMES EARL COLLINS,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 2:07-CV-972-WCW
	)	
UNITED PARCEL SERVICE, INC.,	)	
	)	
Defendant.	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2007, I electronically filed the foregoing **REPORT OF PARTIES' PLANNING MEETING** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record:

Maricia D. Woodham  
Sabel & Sabel, P.C.  
2800 Zelda Road  
Suite 100-5  
Montgomery, AL 36106  
[mwoodham@sabellaw.com](mailto:mwoodham@sabellaw.com)

Counsel for Plaintiff

I further certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: none.

s/ Jeremy D. Tucker  
Jeremy D. Tucker